

Notice of Allowability

Application No.

10/729,787

Examiner

Quang T Van

Applicant(s)

HOPKINS, GARY L.

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 7/30/2004.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 05 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

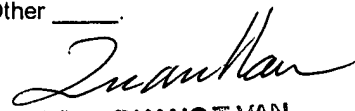
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/8/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


QUANG T. VAN
PATENT EXAMINER

Election/Restrictions

1. Applicant's election without traverse of Species I (Figures 1-3, claims 1-2, 4-10, and 13-16) in the reply filed on 7/30/2004 is acknowledged. Non-elected claims 3, 11, 12 and 17 are withdrawn from consideration.

Since the application is in condition for allowance, the non-elected claims 3, 11, 12 and 17 are rejoined with the allowable generic claims. Therefore, claims 1-17 are treated on the merit.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the abstract, line 1, delete "comprises", and insert --includes--

NOTE: Since the legal phraseology such as "comprises" often used in patent claims should be avoided in the abstract. Therefore, "comprises" has been replaced by "includes".

REASON FOR ALLOWANCE

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Keller (US 6,380,524) discloses a microwavable food package having valve and method of use. Hiyohsi (US 2001/0012530) discloses a packaged

food and container for packaging food. Nomura et al (US 6,035,769) discloses a vacuum-sealed preservation container.

4. The following is an examiner's statement of reasons for allowance: allowance of claims 1-17 is indicated because the prior art of record does not show or suggest a pair of steam horns associated with and positioned on either side of said at least one steam guide, the steam horns defining side vents in the seal and ending before the outer edge of the seal, the side vents further weakening the portion of the seal adjacent the tip of said at least one steam guide and being in fluid communication with the volume enclosed within said container to allow movement of steam from said container into the steam horns, such that, when said container is heated, steam and pressure are preferentially directed towards the tip of said at least one steam guide, causing pressure to be concentrated at the weakened portion of the seal, resulting in the seal being preferentially broken adjacent the tip of said at least one steam guide as recited in claims 1-17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV
September 1, 2004



Quang T Van
Primary Examiner
Art Unit 3742